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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/712,101 | 11/14/2000 | Stephen Carney | PD99-2484 | 8794 |

20790 7590 07/14/2004

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EXAMINER

NGUYEN, QUANG N

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2141

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/712,101

Applicant(s)

CARNEY, STEPHEN

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-12 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-12 and 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detail Action

1. This Office Action is in response to the Amendment filed on 06/01/2004. Claims 2 and 4-11 have been amended. Claims 13-20 have been cancelled. Claims 21-33 have been added as new claims. Claims 2, 4-12 and 21-33 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 4-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US 6,412,004), herein after referred as Chen, in view of Guenther et al. (US 6,360,262), herein after referred as Guenther.

4. As to claim 4, Chen teaches a distributed streaming media server system, comprising:

a plurality of streaming media servers (*a plurality of multimedia servers 340 of Fig. 3*) that each store a selection of multimedia files (Chen, Fig. 3);

a master streaming media server (*a metaserver 350 of Fig. 3*) communicatively coupled to the plurality of streaming media servers (*communicating with plurality of multimedia servers 340 via a computer network 310 of Fig. 3*) and that compiles mapping information regarding a location of each of the multimedia files that are stored on each of the plurality of streaming media servers (*the metaserver 350 comprises a metaserver database which includes information about the video data streams stored in each multimedia server as illustrated in Fig. 11*) (Chen, Figs. 3 and 11, C5: L46-54, C6: L6-10 and L31-48); and

at least one streaming media client that requests access to a multimedia file through the master streaming media server and receives setup information regarding the requested multimedia such that the at least one streaming media client may directly access the multimedia file from one of the plurality of streaming media servers (*at least one client computer 360 of Fig. 3 that requests access to a multimedia file through the metaserver 350 and receives the list of eligible servers that have the requested multimedia file such that the client computer 360 may directly access the multimedia file*) (Chen, C6: L41-48 and C10: L21-31).

However, Chen does not explicitly teach wherein the at least one streaming media client receives the setup information from one of the plurality of streaming media servers.

In the related art, Guenthner teaches a system and method of routing in a computer network having a pool of servers (*i.e., plurality of streaming media servers*), operating in the "handoff" mode, capable of servicing requests for access to a set of server resource objects (*i.e., multimedia files*) as shown in Fig. 4B wherein the Resource Router (*i.e., the master streaming media server*) receives the client initial request (**step 1**), selects the most appropriate server (*i.e., server S1*) and forwards the request to the server S1 (**step 2**). The server S1 sends its response (*i.e., setup information*) directly to the client (**step 3**) and client dialogs with the server for subsequent access to the requested multimedia file (**step 4**) (Guenthner, Fig. 4B, C4: L64-67 and C5: L1-12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Chen and Guenthner to let the at least one streaming media client receives the setup information from one of the plurality of streaming media servers since such methods were conventionally employed in the art to allow the system to select the "best provider" and redirect or forward the request to that server as **operating in "handoff" mode**, to eliminate the bottleneck problem associated with the limited speed of a single multimedia server, reduce network congestion and increase the fault tolerance of the whole system.

5. As to claim 2, Chen-Guenthner teaches the server system of claim 4, wherein the multimedia files comprise video files (Chen, Video content 1030 of Fig. 11).

6. As to claim 5, Chen-Guenthner teaches the server system of claim 4, wherein the request for access to the multimedia file by the at least one streaming media (client computer B) is multiplexed (through the Internet, i.e., through the network 310 of Fig. 3).

7. As to claims 6-8, Chen-Guenthner teaches the server system of claim 4, wherein the master streaming media server considers load balancing when determining which of the plurality of streaming media servers is selected for access by the at least one streaming media client (*the metaserver 350 selects the proper algorithm to balance the load such as by measuring how busy each multimedia server is and how close a particular client is to each multimedia server with the proper content, etc.*) using a load poll thread, a load average queue, and load average threads to determine the load balancing among a plurality of streaming media servers (*the metaserver periodically communicates with each multimedia server to receive its status information such as number of current connections and multimedia content*) (Chen, C7: L1-38).

7. As to claim 9, Chen-Guenthner teaches the server system of claim 4, wherein the master streaming media server (*Resource Router*) selects one of the plurality of streaming media servers (*multimedia server S1*) different from the master streaming media server to access for the requested multimedia file and redirects the requesting client to exchange information directly with one of streaming media servers (*the Resource Router receives the client initial request (step 1), selects the most appropriate server S1 and forwards the request to the server S1 (step 2). The server S1 sends its*

response (i.e., setup information) directly to the client (step 3) and client dialogs with the server for subsequent access to the requested multimedia file (step 4)) (Guenthner, Fig. 4B, C4: L64-67 and C5: L1-12).

8. As to claim 10, Chen-Guenthner teaches the server system of claim 4, wherein the master streaming media server (*metaserver 350*) utilizes a logical content database (*metaserver database 940 which includes information about the video data streams stored in each multimedia server 340*) that is queried by the master streaming media server to identify which of the plurality of streaming media servers possesses a specific streaming media file that fulfills a request for the specific streaming media file originating from the at least one streaming media client (Chen, C6: L6-48).

9. As to claims 11-12, Chen-Guenthner teaches the server system of claim 4, wherein the at least one streaming media client, the master streaming media server, and one of the plurality of streaming media servers utilize a connectionless and stateless communications protocol (*i.e., TCP/IP*) (Chen, C3: L62-67 and C4: L1-15).

10. Claims 21-33 are corresponding method and system claims of method claims 2 and 4-12; therefore, they are rejected under the same rationale.

Response to Arguments

11. In the remarks, applicants argue in substance that

(A) Applicant submits that there is no motivation or suggestion to combine the teachings of Chen and Guenther.

As to point (A), Examiner submits that Chen teaches a distributed streaming media server system, comprising:

a plurality of streaming media servers (*a plurality of multimedia servers 340 of Fig. 3*) that each store a selection of multimedia files (Chen, Fig. 3);

a master streaming media server (*a metasever 350 of Fig. 3*) communicatively coupled to the plurality of streaming media servers (*communicating with the plurality of multimedia servers 340 via a computer network 310 of Fig. 3*) and that compiles mapping information regarding a location of each of the multimedia files that are stored on each of the plurality of streaming media servers (*wherein the metasever 350 comprises a metasever database which includes information about the video data streams stored in each multimedia server as illustrated in Fig. 11*) (Chen, Figs. 3 and 11, C5: L46-54, C6: L6-10 and L31-48); and

at least one streaming media client that requests access to a multimedia file through the master streaming media server and receives setup information regarding the requested multimedia such that the at least one streaming media client may directly access the multimedia file from one of the plurality of streaming media servers (*at least*

one client computer 360 of Fig. 3 that requests access to a multimedia file through the metaserver 350 and receives the list of eligible servers that have the requested multimedia file such that the client computer 360 may directly access the multimedia file) (Chen, C6: L41-48 and C10: L21-31).

However, Chen does not explicitly teach wherein the at least one streaming media client receives the setup information from one of the plurality of streaming media servers.

In the related art, Guenther teaches a system and method of routing in a computer network having a pool of servers (*i.e., plurality of streaming media servers*), operating in the "handoff" mode, capable of servicing requests for access to a set of server resource objects (*i.e., multimedia files*) as shown in Fig. 4B wherein the Resource Router (*i.e., the master streaming media server*) receives the client initial request (**step 1**), selects the most appropriate server (*i.e., server S1*) and forwards the request to the server S1 (**step 2**). The server S1 sends its response (*i.e., setup information*) directly to the client (**step 3**) and client dialogs with the server for subsequent access to the requested multimedia file (**step 4**) (Guenther, Fig. 4B, C4: L64-67 and C5: L1-12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Chen and Guenther to let the at least one streaming media client receives the setup information from one of the plurality of streaming media servers (*i.e., operating in the "handoff" mode as well as in the "proxy/gateway" mode*) since such methods were conventionally

employed in the art to allow the system to select the "best provider" and redirect or forward the request to that server as **operating in "handoff" mode** to eliminate the bottleneck problem associated with the limited speed of a single multimedia server, reduce network congestion, increase the fault tolerance of the whole system and provide enhanced availability, responsiveness and load balancing for client requests to object access across multiple servers.

Examiner believes that the motivation was given above to combine the teachings of Chen and Guenthner is sufficient.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

12. Applicant's arguments as well as request for reconsideration filed on 06/01/2004 have been fully considered but they are not deemed to be persuasive.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Art Unit: 2141

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER